

# **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. RON SANDACK

EXECUTIVE DIRECTOR:  
VICKI THOMAS



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SEN. BILL BRADY  
SEN. KAREN McCONNAUGHAY  
SEN. TONY MUÑOZ  
SEN. MATT MURPHY  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DAVID R. LEITCH  
REP. ANDRÉ THAPEDI  
REP. MIKE TRYON

## **MINUTES**

**April 12, 2016**

### **MEETING CALLED TO ORDER**

The Joint Committee on Administrative Rules met on Tuesday, April 12 at 10:30 a.m. in Room D-1 of the Stratton Office Building, Springfield IL. Co-Chair Harmon called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments to the JCAR office in writing.

### **ATTENDANCE ROLL CALL**

X Senator Bill Brady	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
X Senator Karen McConnaughay	X Representative David Leitch
X Senator Tony Muñoz	X Representative Ron Sandack
X Senator Matt Murphy	X Representative André Thapedi
X Senator Ira Silverstein	X Representative Mike Tryon

### **APPROVAL OF THE MINUTES OF THE MARCH 8, 2016 MEETING**

Representative Tryon moved, seconded by Senator McConnaughay, that the minutes of the March 8, 2016 meeting be approved. The motion passed unanimously (12-0-0).

### **REVIEW OF AGENCY RULEMAKINGS**

***Illinois Community College Board – Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501; 39 Ill. Reg. 5743)***

Representative Lang moved, seconded by Senator Murphy, that JCAR recommend ICCB be more timely in implementing new statute. Public Act 96-194, which is being implemented by this rulemaking, became effective 1/1/10. The motion passed unanimously (12-0-0).

***Department of Revenue – Tobacco Products Tax Act (86 Ill. Adm. Code 660; 40 Ill. Reg. 2156)***

Senator Brady moved, seconded by Representative Leitch, that JCAR object to Section 660.16(a)(8) of this rulemaking because requiring license applicants to provide any other information the Department of Revenue may lawfully require, without stating in rule the actual type of information it will require, constitutes policy not in rule, in violation of Section 5-20 of the Illinois Administrative Procedure Act [5

ILCS 100], and violates Section 10-21 of the Tobacco Products Tax Act of 1995 [35 ILCS 143]. The motion passed unanimously (12-0-0).

***Department of Revenue – Payment of Taxes by Electronic Funds Transfer (86 Ill. Adm. Code 750; 40 Ill. Reg. 1660)***

Senator Silverstein moved, seconded by Representative Harris, that JCAR recommend the Department of Revenue seek a statutory amendment to resolve the conflict between Section 210 of the Department of Revenue Law and the Motor Fuel Tax Act. The motion passed unanimously (12-0-0).

**AGENCY RESPONSE**

***Department of Labor – Job Opportunities for Qualified Applicants (56 Ill. Adm. Code 340; 39 Ill. Reg. 11206)***

Representative Lang moved, seconded by Senator McConnaughay, that JCAR issue a Notice of Failure to Remedy. The motion passed unanimously (12-0-0).

**CONSIDERATION OF OTHER RULEMAKINGS**

***Illinois Gaming Board – Video Gaming (General) (11 Ill. Adm. Code 1800; 39 Ill. Reg. 14809)***

Representative Lang moved, seconded by Senator Murphy, that JCAR, with the concurrence of the Illinois Gaming Board, extend consideration of this rulemaking for an additional 45 days. The motion passed unanimously (12-0-0).

***Illinois Commerce Commission – Net Metering (83 Ill. Adm. Code 465; 39 Ill. Reg. 6134)***

Representative Thapedi moved, seconded by Representative Tryon, that JCAR object to Sections 465.35(b) and 465.90 of this rulemaking because those portions of the rulemaking are inconsistent with Section 16-107.5 of the Public Utility Act. The statute defines and uses the term "electricity provider". The Commission has chosen to use the term "electricity supplier" and give that term a meaning that differs from the statute.

Senator Brady thanked Representative Thapedi for sponsoring the Objection, but said that he believes the Commission's interpretation of the statute is wrong. An Objection still allows ICC to adopt the rulemaking in its current form after responding to JCAR's Objection and without further JCAR review. Senator Brady argued that a Filing Prohibition was the correct JCAR response and stated he would be voting against the Objection.

**OBJECTION ROLL CALL**

N	Senator Bill Brady	Y	Representative Greg Harris
N	Senator Don Harmon	Y	Representative Lou Lang
Y	Senator Karen McConnaughay	Y	Representative David Leitch
Y	Senator Tony Muñoz	Y	Representative Ron Sandack
Y	Senator Matt Murphy	Y	Representative André Thapedi
Y	Senator Ira Silverstein	Y	Representative Mike Tryon

The Objection passed 10-2-0.

### **CERTIFICATION OF NO OBJECTION**

Representative Thapedi moved, seconded by Senator Muñoz, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued.

The motion passed unanimously (12-0-0).

### **MAY MEETING DATE**

Co-Chair Harmon announced that the next monthly meeting of JCAR is scheduled for 10:30 a.m. on Tuesday, May 10, 2016, in Room D-1 of the Stratton Office Building, Springfield IL.

### **ADJOURNMENT**

Senator Muñoz moved, seconded by Representative Thapedi, that the meeting stand adjourned. The motion passed unanimously.

*Min:0416Apr*